

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By **CHAIRMAN BILL GLASER**, on March 2, 2001 at 3:00 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Bill Glaser, Chairman (R)
Sen. Jack Wells, Vice Chairman (R)
Sen. Dale Berry (R)
Sen. John C. Bohlinger (R)
Sen. Edward Butcher (R)
Sen. John Cobb (R)
Sen. Jon Ellingson (D)
Sen. Jim Elliott (D)
Sen. Alvin Ellis Jr. (R)
Sen. Sam Kitzenberg (R)
Sen. Don Ryan (D)
Sen. Debbie Shea (D)
Sen. Mike Sprague (R)
Sen. Mignon Waterman (D)

Members Excused: None.

Members Absent: None.

Staff Present: Linda Ashworth, Committee Secretary
Eddy McClure, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 103, 2/19/2001; HB 272,
2/19/2001; HB 249, 2/19/2001
Executive Action: HB 103; HB 272

HEARING ON HB 103

Sponsor: REP. ALAN OLSON, HD 8, Roundup

Proponents: **Bill Cooper, Office of Public Instruction**
 Loran Frazier, School Administrators of Montana
 Lance Melton, Montana School Boards Association

Opponents: None

Opening Statement by Sponsor:

REP. ALAN OLSON opened on HB 103. He articulated that the bill would allow multi-year accreditation of schools. Currently under state law, schools may only receive accreditation one year at a time. The bill would allow the Board of Public Education to extend the time period to five years. He affirmed that this would be based on the accreditation plan of the **Northwest Association of Schools and Colleges** and would be under the guidance of the State Board of Public Education. **REP. OLSON** indicated the plan would be considered a school improvement plan, which would require a great deal of community involvement.

{Tape : 1; Side : A; Approx. Time Counter : 0 - 2}

Proponents' Testimony:

Bill Cooper, Office of Public Instruction, rose in support of HB 103. He apprized the committee of a year long review of accreditation standards, which suggested the state of Montana should change the law that restricted the Board of Public Education offering accreditation on a one year basis. He avowed support for the recommendations of the review.

Loran Frazier, School Administrators of Montana, echoed support for HB 103 theorizing that costs and paperwork would decrease when doing evaluations on a five year basis.

Lance Melton, Montana School Boards Association, averred support for HB 103.

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Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

SEN. JOHN BOHLINGER asked **REP. OLSON** to explain why the fiscal note did not show a positive fiscal impact. **REP. OLSON** professed relief that the fiscal note did not show an impact, either

positive or negative. He referred to the last line on the fiscal note that stated the bill may affect two FTE'S at the Office of Public Instruction, which would relay a positive impact.

SEN. DON RYAN wondered if the change could be phased in, allowing the Office of Public Instruction to balance the work load when changing schools to the five year plan. **REP. OLSON** expressed doubts that all schools would adopt the process, since the act of receiving accreditation through the **Northwest Association of Schools and Colleges** would be a time consuming process.

SEN. JACK WELLS asked for clarification on how long accreditation would be valid under HB 103. **Bill Cooper** explained the current procedure of providing accreditation to Montana schools through the Office of Public Instruction. HB 103 would allow the Board of Public Education to extend the accreditation period up to five years. He reminded the committee that a caveat would be attached allowing the Board of Public Education to withdraw the terms of the accreditation.

SEN. WELLS wondered who would determine which schools would receive a one, two, three, or five year accreditation. **Mr. Cooper** theorized that most schools would remain with the yearly accreditation until they became more comfortable with the work involved in a five year plan.

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Closing by Sponsor:

REP. ALAN OLSON summarized that HB 103 would encourage community involvement in the local schools, be good policy and would not cost the state money.

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HEARING ON HB 272

Sponsor: **REP. ALAN OLSON, HD 8, Roundup**

Proponents: **Larry Brewster, Self, Billings**
Sharlene Snoddy, Self, Helena
Julie Millam, Montana Christian Coalition
Jerry Giles, Self, Augusta
Katie McClure, Self, Helena
Bill Snoddy, First Lutheran Church, Helena
David Hein, Self, Billings

**Lance Melton, Montana School Boards Association
Loran Frazier, School Administrators of Montana**

Opponents: Sara Panek, Self, Helena

Opening Statement by Sponsor:

REP. ALAN OLSON opened on HB 272. He stated that the bill would allow school districts to determine the amount of time for which a student may be released from school for religious instruction. He cited parent's feelings regarding religious instruction as one of the main reasons many children are no longer enrolled in public schools. **REP. OLSON** purported that release time for religious instruction would be approved by the board of trustees.

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Proponents' Testimony:

Larry Brewster, representing himself, rose in support of HB 272 testifying that the bill would provide a way for parents to offer religious instruction to their children. The bill would not violate the laws regarding church and state, while providing a means for parents to work with the school boards and administrators concerning religious instruction for their children.

Sharlene Shoddy, representing herself, avowed support for HB 272. **Mrs. Shoddy** submitted written testimony, **EXHIBIT(eds48a01)**.

Julie Millam, representing the Montana Christian Coalition, echoed support for HB 272. She commented that HB 272 would encourage potential home school parents to enroll their children in public schools.

Jerry Giles, representing himself, attested support for HB 272 sharing his concerns for traditional American moral values. He contended that the study of reading, writing and arithmetic is no more important than the study of moral values. He rationalized that the bill would not take local control away from the school boards, but would give them an option, not a mandate.

Katie McClure, representing herself, elaborated on her support for HB 272. **Ms. McClure** submitted written testimony, **EXHIBIT(eds48a02)**.

Bill Snoddy, representing Rev. Larry Miller of the First Lutheran Church of Helena, avowed support for HB 272. **Mr. Snoddy** asserted that the opportunity for release time instruction from the school

day would help youth strengthen themselves to resist negative peer pressure.

David Hein, representing himself, presented additional support for HB 272, clarifying that the bill would be a revision to an existing bill that had been on the books for twenty years. He contended private religious denominations would sponsor the programs at no cost to the state of Montana and that no additional work load would be placed on the administration or teachers.

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Lance Melton, Montana School Boards Association, declared support for HB 272. **Mr. Melton** clarified misconceptions concerning the connections between home school enrollment, private school enrollment and public school enrollment. He argued that public school enrollment would not increase with the advent of increased release time for religious instruction. **MSBA's** support of the bill would rest on the belief that school board trustees should run the school district and public schools should be a accommodating and hospitable place for all people.

Loran Frazier, School Administrators of Montana, reiterated support for HB 272.

{Tape : 1; Side : B; Approx. Time Counter : 0 - 1}

Opponents' Testimony:

Sara Panek, representing herself, voiced opposition to HB 272. **Ms. Panek** submitted written testimony, **EXHIBIT(eds48a03)**.

{Tape : 1; Side : B; Approx. Time Counter : 1 - 4}

Informational Testimony: None

Questions from Committee Members and Responses:

SEN. MIGNON WATERMAN asked if the bill would allow high school credit. **REP. OLSON** responded that it would not allow credit.

SEN. JON ELLINGSON wondered if **Mr. David Hein** was speaking as a parent. **Mr. Hein** affirmed he was a parent, representing himself, with his testimony before the committee. **SEN. ELLINGSON** asked **Mr. Hein** to postulate the type of release program he would envision and the amount of time it would take from each school day. **Mr. Hein** reasoned that a student could be released from a

study hall five days a week to attend a religious study class. He reaffirmed that the final decision would be up to the local school board.

SEN. BOHLINGER questioned whether this option would stop the flow of students from the public schools into home and parochial schools. He queried how many students had left the Billings Schools because the parents had felt the child's spirit wasn't being nourished. **Larry Brewster** stated his belief that the numbers were a small percentage of the total public school population in Billings.

SEN. BOHLINGER debated that a small number of students would still add to the state's support of education. **Mr. Brewster** argued that during his tenure on the Billings School Board, there were a number of parents of home school students that sought to build a partnership with the public school.

SEN. RYAN asked **Mr. Brewster** how the elementary schools would accommodate release time for religious instruction. **Mr. Brewster** contended that he could not envision a way to release elementary students without it being disruptive. He felt it would be easier to release students from middle schools or high schools.

Closing by Sponsor:

REP. ALAN OLSON declared that HB 272 would rely on local control and would allow school boards to create a program that would work for all entities involved in the religious instruction of children.

{Tape : 1; Side : B; Approx. Time Counter : 4 - 9}

HEARING ON HB 249

Sponsor: **REP. JESSE LASLOVICH, HD 57, Anaconda**

Proponents: **Loran Frazier, School Administrators of Montana
Lance Melton, Montana School Boards Association**

Opponents: **None**

Opening Statement by Sponsor:

REP. JESSE LASLOVICH opened on HB 249 stating that the bill would give local school boards the option of conducting their final budget meeting on or before August 15th. The clerk of each district would have from July 1st to August 4th to publish their

public notice. He purported that the bill would be in conflict with SB 390 and asked that executive action be delayed on the bill until those conflicts could be addressed.

{Tape : 1; Side : B; Approx. Time Counter : 9 - 11}

Proponents' Testimony:

Loran Frazier, School Administrators of Montana, rose in support of HB 249 relating that the bill originated at the **SAM** delegate assembly. He reported the bill would alleviate the problem of school boards being required to conduct the final budget meeting on the second Monday of August. The bill would coordinate the final budget meeting date between the month of July and the 15th of August.

Mr. Frazier explained the language in SB 390 that would conflict with HB 249. He attested that the language issue would be straightened out before executive action would be taken on HB 249.

Lance Melton, Montana School Boards Association, echoed support for HB 249. He explained that the bill would address the legal issue, in current law, that forbids changing the date, unless there would be an unforeseen emergency. He reasoned HB 249 would allow significant flexibility.

{Tape : 1; Side : B; Approx. Time Counter : 11 - 21}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

REP. JESSE LASLOVICH closed on HB 249.

{Tape : 1; Side : B; Approx. Time Counter : 21 - 21.5}

CHAIRMAN BILL GLASER informed the committee that the **REP. LASLOVICH** and **Mr. Frazier** had asked that the bill be held in committee until the bill could be coordinated with SB 390.

EXECUTIVE ACTION ON HB 103

Motion/Vote: SEN. COBB moved that HB 103 BE CONCURRED IN. Motion carried unanimously.

CHAIRMAN GLASER announced that he would carry the bill.

EXECUTIVE ACTION ON HB 272

Motion: SEN. BOHLINGER moved that HB 272 BE CONCURRED IN.

Discussion:

SEN. DEBBIE SHEA raised concerns that HB 272 would be a scheduling nightmare for schools. She argued that many districts already set aside one night each week for church activities.

SEN. WATERMAN claimed that there is not enough time during the school day to teach the required subjects and she felt that this would put another burden on the public schools without increasing the school day. She echoed SEN. SHEA'S opposition to the bill, stating that there is a need for religious education but it should be outside the school day.

SEN. BOHLINGER indicated that the bill would only provide an option for the trustees when making the determination to allow release time during the school day for religious instruction. He defended the bill as being an issue of local control and urged passage of the bill.

SEN. DALE BERRY reminded the committee that line 12 of the bill stated that the trustees "may" provide for religious instructional release time, reiterating that the issue was one of local control.

SEN. RYAN voiced opposition to the bill stating that it could lead to litigation because the allotted time frame might fit one particular religious segment and not another. He felt this could mean that the school district would give preference to one particular group. He also questioned the time needed to travel from the school to the sight of religious instruction and back to school again. He purported that HB 272 would put pressure on school boards to release children from the elementary schools, putting a strain on the curriculum.

{Tape : 1; Side : B; Approx. Time Counter : 21.5 - 32}

SEN. JIM ELLIOT responded that although he agreed with SEN. SHEA, he would support the bill. He justified his decision by stating

that local school boards were competent enough to deal with the issue.

SEN. ELLIS wondered if Montana schools were dealing with this issue at this time.

SEN. WELLS pointed out that there were nine proponents and one opponent that testified on HB 272. All proponents rationalized that HB 272 would bring more harmony and less discord to those that voiced concerns regarding the separation of church and state.

SEN. ELLIS reiterated that a great deal of time was taken away from the school day with extracurricular sports and music activities and he did not see anything wrong with release time for religious instruction. He also echoed his belief in the competence of local school boards to make the correct decisions.

SEN. BERRY suggested that travel time to and from school should be the church's problem. He reminded the committee that the bill would deal with the issue of leaving non-instructional time at the discretion of the local school boards. The idea that the bill would put pressure on the school board, should be the problem of the school board, not the legislature.

SEN. BOHLINGER explained the intent of the bill would allow the school boards to set time aside during the school day for religious instruction. He questioned why children were leaving the public schools. He reasoned that morals and discipline were as important as math and science.

SEN. SHEA wondered what a student would do if the student did not have a study hall. **Mr. Loran Frazier** answered that most schools would retain the present system of allowing early release time of one night per week. He felt some schools would work it out with their religious communities and others would not.

SEN. ELLINGSON declared support for HB 272 and reminded the committee that existing law allowed the trustees to develop a program of no more than two hours. HB 272 would allow the trustees to develop a program that could exceed two hours. He did not see the change as a substantial difference.

SEN. ED BUTCHER pointed out that the decisions by the local school boards would be based on the individual needs of children.

SEN. SHEA questioned the need for the bill since school boards already have the ability to set release time for religious instruction.

SEN. ELLIOT shared his concern that the release time would conflict with the education of the student. **CHAIRMAN GLASER** responded that school boards have the primary responsibility for the child's education and would not allow an outside entity to conflict with that responsibility.

Vote: SEN. BOHLINGER'S motion that **HB 272 BE CONCURRED IN passed 11-3 with Ryan, Shea, and Waterman voting no.**

CHAIRMAN GLASER announced that **SEN. KEN MILLER** would carry the bill.

{Tape : 2; Side : A; Approx. Time Counter : 0 - 11}

ADJOURNMENT

Adjournment: 4:15 P.M.

SEN. BILL GLASER, Chairman

LINDA ASHWORTH, Secretary

BG/LA

EXHIBIT (eds48aad)